



**Service of Process  
Transmittal**

07/07/2017

CT Log Number 531533986

**TO:** Alex Anable  
Family Dollar Stores, Inc.  
10401 Monroe Rd  
Matthews, NC 28105-5349

**RE: Process Served in Massachusetts**

**FOR:** Family Dollar Stores of Massachusetts, Inc. (Domestic State: VA)  
*According to our records representation services for this entity have been discontinued in this jurisdiction.*

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** JOSEPHINE DEANGELIS, Pltf. vs. Family Dollar Stores of Massachusetts, Inc., Dft.  
**DOCUMENT(S) SERVED:** Summons, Complaint, Instructions, Order  
**COURT/AGENCY:** Suffolk County Superior Court, MA  
Case # 1284CV01684  
**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 04/14/2017  
**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Boston, MA  
**DATE AND HOUR OF SERVICE:** By Process Server on 07/07/2017 at 10:35  
**JURISDICTION SERVED :** Massachusetts  
**APPEARANCE OR ANSWER DUE:** Within 20 days (Document(s) may contain additional answer dates)  
**ATTORNEY(S) / SENDER(S):** Timothy Jay Lowney  
Lowney Law LLC  
1234 Hyde Park Ave., Ste. 102  
Hyde Park, MA 02136  
**REMARKS:** Please note documents contain additional case numbers: 1784CV01684.  
**ACTION ITEMS:** CT has retained the current log, Retain Date: 07/07/2017, Expected Purge Date: 07/12/2017  
Image SOP  
Email Notification, Stephanie Zedek szedek@familydollar.com  
Email Notification, Patti Ferry pferry@familydollar.com  
Email Notification, Alex Anable aanable@familydollar.com  
**SIGNED:** C T Corporation System  
**ADDRESS:** 155 Federal St Ste 700  
Boston, MA 02110-1727  
**TELEPHONE:** 617-757-6404

**Commonwealth of Massachusetts**

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 1284CV01684

Josephine DeAngelis, PLAINTIFF(S),

v.

Family Dollar Stores of, DEFENDANT(S)  
Massachusetts, Inc.

**SUMMONS**

THIS SUMMONS IS DIRECTED TO Family Dollar Stores of MA, Inc. (Defendant's name)

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
  - a. Filing your signed original response with the Clerk's Office for Civil Business, Superior Court, 3 Pemberton Sq., Boston, MA 02108 (address), by mail or in person, **AND**
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: 1234 Hyde Park Ave., Ste. 102, Hyde Park, MA 02136
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.

A true copy Attest

 Deputy Sheriff Suffolk County

JOSEPH T. BARRON

4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).
5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on \_\_\_\_\_, 20\_\_\_\_.

*Michael Joseph Donovan*  
Michael Joseph Donovan  
Clerk-Magistrate

**Note:** The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

### PROOF OF SERVICE OF PROCESS

I hereby certify that on \_\_\_\_\_, 20\_\_\_\_, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5)):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_

**N.B. TO PROCESS SERVER:**

**PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX – BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.**

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17010238

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 1784CV01684

JOSEPHINE DEANGELIS  
Plaintiff

v.

FAMILY DOLLAR STORES OF  
MASSACHUSETTS, INC.  
Defendant

COMPLAINT

PARTIES

1. Plaintiff Josephine DeAngelis (hereinafter referred to as "Plaintiff") is an individual residing in Hyde Park, Suffolk County, Massachusetts.
2. Defendant Family Dollar Stores of Massachusetts, Inc. (hereinafter referred to as "Defendant") is a corporation organized under the law of Virginia with a principal place of business in Chesapeake, Virginia and engaging in business in Suffolk County.

COUNT I

3. On or about April 14, 2017, in the afternoon, Plaintiff was a customer shopping at Family Dollar Store, a store located at 216 Bussey Street in Dedham, Massachusetts.
4. Said store was owned by Defendant.
5. The premises at 216 Bussey Street were owned by Defendant.
6. At the same time and place, Plaintiff was inside the restroom on the premises when she slipped and fell on the wet floor.
7. Defendant, its agents, servants, and/or employees failed to maintain the premises in a reasonably safe condition.
8. Defendant, its agents, servants, and/or employees failed to properly and visibly warn customers of the dangerous condition.
9. As a result of the negligence of Defendant, Plaintiff was caused to suffer serious personal injury, medical expenses, loss of earning capacity, great pain of body and mind, permanent impairment and loss of function.

10. Defendant is liable to Plaintiff for her damages.

COUNT II

11. Plaintiff re-states each and every allegation in paragraphs 1 through 10 as if set out fully herein.
12. Defendant, its officers, agents, servants, and/or employees were negligent in failing to provide for proper procedures, guidelines and standards for customer safety, or, having established such procedures, guidelines, and standards, in failing to enforce same; and/or in failing to properly hire, train, supervise, oversee, and manage customer safety.
13. Defendant is liable to Plaintiff for her damages.


WHEREFORE, Plaintiff demands the following relief:


1. That the Court enters judgment for the Plaintiff against Defendant Family Dollar Stores of Massachusetts, Inc.
2. That the Court enters an award of damages for the Plaintiff in an amount commensurate with her damages.
3. That the Court grants the Plaintiff such other relief as is just and proper.

THE PLAINTIFF DEMANDS A TRIAL BY JURY OF ALL ISSUES SO TRIABLE IN THE COMPLAINT.

Plaintiff Mary Anne Ricci  
By her attorney,

Dated: May 26, 2017

  
Timothy J. Lowney, Esq.  
BBO # 644433  
Joel A. Merchant, Esq.  
BBO # 697430  
LOWNEY LAW, LLC  
1234 Hyde Park Ave, Suite 102  
Hyde Park, MA 02136  
(617) 364-8000  
tim@lowneylaw.com  
joel@lowneylaw.com

<b>CIVIL ACTION COVER SHEET</b>		DOCKET NUMBER <b>1784CV01684</b>	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): <u>Josephine DeAngels</u>		COUNTY <u>Suffolk</u>		
ADDRESS: <u>90 Thompson Street</u> <u>Hyde Park, Massachusetts 02138</u>		DEFENDANT(S): <u>Family Dollar Stores of Massachusetts, Inc.</u>		
ATTORNEY: <u>Timothy J. Lowney, Esq. and Joel A. Merchant, Esq.</u>				
ADDRESS: <u>1234 Hyde Park Ave., Suite 102</u> <u>Hyde Park, Massachusetts 02138</u>		ADDRESS: <u>155 Federal Street, Suite 700</u> <u>Boston, Massachusetts 02110</u>		
BBO: <u>844433</u> and <u>697430</u>				
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)				
CODE NO. <u>B20</u>	TYPE OF ACTION (specify) <u>Personal Injury - Slip &amp; Fall</u>	TRACK <u>F</u>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe: _____				
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
<b>TORT CLAIMS</b> (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses .....				\$ _____
2. Total doctor expenses .....				\$ _____
3. Total chiropractic expenses .....				\$ _____
4. Total physical therapy expenses .....				\$ _____
5. Total other expenses (describe below) .....				\$ <u>\$50,000+</u>
<b>Subtotal (A):</b>				\$ <u>\$50,000+</u>
In-Patient Rehabilitation Facility				
B. Documented lost wages and compensation to date .....				\$ _____
C. Documented property damages to dated .....				\$ _____
D. Reasonably anticipated future medical and hospital expenses .....				\$ _____
E. Reasonably anticipated lost wages .....				\$ _____
F. Other documented items of damages (describe below) .....				\$ _____
G. Briefly describe plaintiff's injury, including the nature and extent of injury: <u>Broken Hip</u>				
<b>TOTAL (A-F):</b>				\$ <u>\$50,000+</u>
<b>CONTRACT CLAIMS</b> (attach additional sheets as necessary)				
Provide a detailed description of claim(s): _____				
<b>TOTAL:</b>				\$ <u>\$1,000,000</u>
Signature of Attorney/Pro Se Plaintiff: X <u>Joel Merchant</u> Date: <u>5/26/17</u>				
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
Signature of Attorney of Record: X <u>Joel Merchant</u> Date: <u>5/26/17</u>				

# **CIVIL ACTION COVER SHEET INSTRUCTIONS** **SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE**

**AC Actions Involving the State/Municipality \***

- AA1 Contract Action Involving Commonwealth, Municipality, MBTA, etc. (A)  
 AB1 Tortious Action Involving Commonwealth, Municipality, MBTA, etc. (A)  
 AC1 Real Property Action Involving Commonwealth, Municipality, MBTA, etc. (A)  
 AD1 Equity Action Involving Commonwealth, Municipality, MBTA, etc. (A)  
 AE1 Administrative Action Involving Commonwealth, Municipality, MBTA, etc. (A)

**CN Contract/Business Cases**

- A01 Services, Labor, and Materials (F)  
 A02 Goods Sold and Delivered (F)  
 A03 Commercial Paper (F)  
 A04 Employment Contract (F)  
 A06 Insurance Contract (F)  
 A08 Sale or Lease of Real Estate (F)  
 A12 Construction Disputes (A)  
 A14 Interpleader (F)  
 BA1 Governance, Conduct, Internal Affairs of Entities (A)  
 BA3 Liability of Shareholders, Directors, Officers, Partners, etc. (A)  
 BB1 Shareholder Derivative (A)  
 BB2 Securities Transactions (A)  
 BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc. (A)  
 BD1 Intellectual Property (A)  
 BD2 Proprietary Information or Trade Secrets (A)  
 BG1 Financial Institutions/Funds (A)  
 BH1 Violation of Antitrust or Trade Regulation Laws (A)  
 A99 Other Contract/Business Action - Specify (F)

\* Choose this case type if ANY party is the Commonwealth, a municipality, the MBTA, or any other governmental entity UNLESS your case is a case type listed under Administrative Civil Actions (AA).

† Choose this case type if ANY party is an incarcerated party, UNLESS your case is a case type listed under Administrative Civil Actions (AA) or is a Prisoner Habeas Corpus case (E97).

**ER Equitable Remedies**

- D01 Specific Performance of a Contract (A)  
 D02 Reach and Apply (F)  
 D03 Injunction (F)  
 D04 Reform/Cancel Instrument (F)  
 D05 Equitable Replevin (F)  
 D08 Contribution or Indemnification (F)  
 D07 Imposition of a Trust (A)  
 D08 Minority Shareholder's Suit (A)  
 D09 Interference In Contractual Relationship (F)  
 D10 Accounting (A)  
 D11 Enforcement of Restrictive Covenant (F)  
 D12 Dissolution of a Partnership (F)  
 D13 Declaratory Judgment, G.L. c.231A (A)  
 D14 Dissolution of a Corporation (F)  
 D99 Other Equity Action (F)

**PA Civil Actions Involving Incarcerated Party †**

- PA1 Contract Action Involving an Incarcerated Party (A)  
 PB1 Tortious Action Involving an Incarcerated Party (A)  
 PC1 Real Property Action Involving an Incarcerated Party (F)  
 PD1 Equity Action Involving an Incarcerated Party (F)  
 PE1 Administrative Action Involving an Incarcerated Party (F)

**TR Torts**

- B03 Motor Vehicle Negligence - Personal Injury/Property Damage (F)  
 B04 Other Negligence - Personal Injury/Property Damage (F)  
 B05 Products Liability (A)  
 B06 Malpractice - Medical / Wrongful Death (A)  
 B07 Malpractice - Other (A)  
 B08 Wrongful Death, G.L. c.229 §2A (A)  
 B15 Defamation (A)  
 B19 Asbestos (A)  
 B20 Personal Injury - Slip & Fall (F)  
 B21 Environmental (F)  
 B22 Employment Discrimination (F)  
 BE1 Fraud, Business Torts, etc. (A)  
 B99 Other Tortious Action (F)

**RP Real Property**

- C01 Land Taking (F)  
 C02 Zoning Appeal, G.L. c. 40A (F)  
 C03 Dispute Concerning Title (F)  
 C04 Foreclosure of a Mortgage (X)  
 C05 Condominium Lien & Charges (X)  
 C99 Other Real Property Action (F)

**MC Miscellaneous Civil Actions**

- E18 Foreign Discovery Proceeding (X)  
 E97 Prisoner Habeas Corpus (X)  
 E22 Lotteries Assignment, G.L. c. 10 §28 (X)

**AB Abuse/Harassment Prevention**

- E15 Abuse Prevention Petition, G.L. c. 209A (X)  
 E21 Protection from Harassment, G.L. c. 258E(X)

**AA Administrative Civil Actions**

- E02 Appeal from Administrative Agency, G.L. c. 30A (X)  
 E03 Certiorari Action, G.L. c.249 §4 (X)  
 E05 Confirmation of Arbitration Awards (X)  
 E06 Mass Antitrust Act, G. L. c. 93 §8 (A)  
 E07 Mass Antitrust Act, G. L. c. 93 §9 (X)  
 E08 Appointment of a Receiver (X)  
 E09 Construction Surety Bond, G.L. c. 149 §529, 29A (A)  
 E10 Summary Process Appeal (X)  
 E11 Worker's Compensation (X)  
 E16 Auto Surcharge Appeal (X)  
 E17 Civil Rights Act, G.L. c.12 §11H (A)  
 E24 Appeal from District Court Commitment, G.L. c.123 §9(b) (X)  
 E25 Pleural Registry (Asbestos cases) (X)  
 E94 Forfeiture, G.L. c265 §58 (X)  
 E95 Forfeiture, G.L. c.94C §47 (F)  
 E99 Other Administrative Action (X)  
 Z01 Medical Malpractice - Tribunal only, G.L. c. 231 §80B (F)  
 Z02 Appeal Bond Denial (X)

**SO Sex Offender Review**

- E12 SDP Commitment, G.L. c. 123A §12 (X)  
 E14 SDP Petition, G.L. c. 123A §9(b) (X)

**RC Restricted Civil Actions**

- E19 Sex Offender Registry, G.L. c.9 §178M (X)  
 E27 Minor Seeking Consent, G.L. c.112 §128 (X)

**TRANSFER YOUR SELECTION TO THE FACE SHEET**

**EXAMPLE:**

CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
B03	Motor Vehicle Negligence-Personal Injury	<u>F</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A**

**DUTY OF THE PLAINTIFF** - The plaintiff shall set forth, on the face of the civil action cover sheet (or attach additional sheets as necessary), a statement specifying the facts on which the plaintiff relies to determine money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served with the complaint. A clerk-magistrate shall not accept for filing a complaint, except as otherwise provided by law, unless it is accompanied by such a statement signed by the attorney or pro se party.

**DUTY OF THE DEFENDANT** - If the defendant believes that the statement of damages filed by the plaintiff is inadequate, the defendant may file with his/her answer a statement specifying the potential damages which may result if the plaintiff prevails.

**A CIVIL COVER SHEET MUST BE FILED WITH EACH COMPLAINT.**  
**FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY**  
**MAY RESULT IN DISMISSAL OF THIS ACTION.**

**CIVIL TRACKING ORDER**  
(STANDING ORDER 1-88)DOCKET NUMBER  
**1784CV01684****Trial Court of Massachusetts  
The Superior Court****CASE NAME:****Josephine DeAngelis vs. Family Dollar Stores of Massachusetts Inc****Michael Joseph Donovan, Clerk of Court****TO: Timothy Jay Lowney, Esq.**  
**Lowney Law LLC**  
**1234 Hyde Park Ave**  
**Suite 102**  
**Hyde Park, MA 02136****COURT NAME & ADDRESS****Suffolk County Superior Court - Civil**  
**Suffolk County Courthouse, 12th Floor**  
**Three Pemberton Square**  
**Boston, MA 02108****TRACKING ORDER - F - Fast Track**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION****DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		08/29/2017	
Response to the complaint filed (also see MRCP 12)		09/28/2017	
All motions under MRCP 12, 19, and 20	09/28/2017	10/30/2017	11/27/2017
All motions under MRCP 15	09/28/2017	10/30/2017	11/27/2017
All discovery requests and depositions served and non-expert depositions completed	03/27/2018		
All motions under MRCP 56	04/26/2018	05/29/2018	
Final pre-trial conference held and/or firm trial date set			09/24/2018
Case shall be resolved and judgment shall issue by			05/31/2019

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time. Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service. This case is assigned to

**DATE ISSUED****05/31/2017****ASSISTANT CLERK****Timothy C Walsh****PHONE****(617)788-8175**